

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael McKinnon

Docket No. 7:01-CR-43-1F

Petition for Action on Supervised Release

COMES NOW Robert K. Britt, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael McKinnon, who, upon an earlier plea of guilty to Possession of a Firearm by a Convicted Felon in violation of 18 U.S.C. § 922(g)(1), Distribution of at Least 5 Grams of Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1), and Distribution of Cocaine Base (Crack) and Aiding and Abetting in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on December 10, 2001, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
2. The defendant shall participate in such vocational training program as may be directed by the probation office.
3. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
4. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
5. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
6. The defendant shall complete his GED while on supervised release.

Michael McKinnon was released from custody on January 15, 2010, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On October 13, 2010, Mr. Kinnon was charged in Robeson County, North Carolina, with Driving While License Revoked and Speeding 73/55 (10CR710483). On July 11, 2011, he pled guilty to these charges and received a 120 day suspended sentence with a \$200.00 fine. On June 3, 2011, Mr. McKinnon was again charged with Driving While License Revoked (11CR706486) in Robeson County. On July 28, 2011, he failed to appear in court on this charge and it is still pending. On June 20, 2011, Mr. McKinnon was charged again with Driving While License Revoked (11CR707151) in Robeson County. On July 28, 2011, he pled guilty to this charge and received a prayer for judgment and was ordered to pay \$192.00 court costs. On September 7, 2011, he was charged in Robeson County with another count of Driving While License Revoked (11CR710469). On September, 2011, the court was advised of these four charges of Driving While License Revoked and ordered him to serve 4 days in jail. He has completed this sanction.

On January 1, 2012, Mr. McKinnon was again charged in Robeson County, North Carolina, with Driving While License Revoked (12CR700000). Mr. McKinnon continues to drive in spite of being verbally reprimanded in addition to serving a 4-day jail sentence. Mr. McKinnon admits driving and states that this charge resulted in him driving from his residence during an argument with his wife to keep it from escalating. As a sanction for this violation, it is recommended that the term of supervised release be modified to include that he complete 24 hours of community service. The defendant signed a Waiver of Hearing agreeing to this proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt
Senior U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: January 9, 2012

ORDER OF COURT

Considered and ordered this 11th day of January, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge